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Joseph Hall. Esq.
from his obedient servant
Remarks *A. H. H.*

ON THE

Governor's Speech.

BY AN AMERICAN.

Ceterum libertas, et speciosa nomina prætexuntur: nec quisquam
alienum servitium, et dominationem sibi concupivit, ut non ea-
dem ista vocabula usurparet. *Tacit. Hist. iv. 73.*

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PREFACE.

THE subjects discussed in the following pages will, perhaps, appear to some persons trifling and unworthy of attention. We have been informed by one of the most respectable of our American political writers, that "it is truly delightful to escape by any means from the benumbing and humiliating consideration of our domestic politics;" and that "one feels as it were enfranchised and enlarged, when communing with a friend, not about Webster's resolutions or Monroe's report, but concerning the affairs of those weighty empires, whose struggles, besides having much intrinsic dignity and interest, seem to involve in the end our own fortunes."*

If persons of this opinion merely meant that there are in the world more important subjects of consideration than any points of political or national controversy, there would be no great harm in admitting the justness of their doctrine. It might be easily allowed, that the nature and destiny of man, the constitution of his powers and faculties, the grounds of his rights and duties, his prospects of present and future happiness, and the means of realizing them, with various other high branches of philosophy, are of more intrinsic and

* Walsh's Correspondence on Russia, p. 60.

durable importance than the causes and conduct of any political contention. It would be even readily admitted, that it is a pleasanter task to investigate at large the principles of politics, to inquire into the origin and construction of states, to fathom the secret springs that regulate the political machine, than to consider the best method of applying these high principles to any case of practical politics. No cultivated mind perhaps, but would find more enjoyment in following out doctrines with Plato and Machiavelli, than in applying them to practice with Monroe and Webster. Admitting this however in its full extent, it must still be said, "This should you have done, and not have left the other undone." After all, the real use of theory is to control and regulate the practice of life. It was not till Cicero had spent a long life in the active service of his country and at last saw reason to despair of the Commonwealth, that he set himself about the investigation of moral and political truth. His treatises on laws, duties, and the republic, were not the business of his life, but the recreation of his age. The thunder of his manly eloquence was heard in the Forum, and he only resorted to the shady bowers and green allies of the Academy to sooth the faintness of his declining days.

But the question seems to be, not whether any subject of consideration is more interesting than political matters : but whether the concerns of our own country are more important to us, than those of the nations of Europe. For the writer, who turns with disgust from the disputes that agitate the American people—with whom Monroe and Webster—Republican and Federalist—*Tros*, *Tyriusce*—are alike objects of the

same superior indifference—can yet dwell with no small complacency on the quarrels of the statesmen and warriors of the ancient continent. With him the importance and magnitude of a contest seems to depend on the number of men engaged on either side, and the dignity of the scene to be not a little augmented by the presence of a large number of crowned heads and starry habits.

The politics of Europe are, indeed, an object of the highest interest to the American statesman. It is a singular and most propitious circumstance for our country, that the mother continent not only unfolds to us the page of history and philosophy to enlighten our judgments on the theory of national concerns by the experience and wisdom of ages, but exhibits to us a grand and continually varying succession of moral and political experiments, by which we are enabled to limit, define, and correct our principles; to ascertain how much of what is true is practicable, and how much of what is practicable is advantageous. Europe is to us a theatre, where we may see in prospect the issue of every possible system of measures, that can be adopted. Hardly any course of policy, that has not there been tested; hardly any motive or principle, whose operation cannot there be traced to its ultimate and permanent effects. By looking at Europe, we may learn to check and moderate our prevailing opinions. Does the tide of popular favour in its frequent fluctuation ever incline to the concentration of power? Look at the old world converted for ages into a slaughter-house, by the passions of kings and emperors. Are we reminded of the “sacred duty of insurrection,” of rights infringed, and constitutions vi-

olated? Look at France, driven to madness by the cursed enchantment of these potent names, and only strait-waistcoated by military despotism into the semblance of quiet.

The old world then is to us an instructive spectacle; but like every other spectacle, its uses must be made subordinate to the more serious purposes of life. We insist the more on this, because the contrary opinion is one of the worst symptoms, that can shew itself in a government like ours. It argues an indifference, a contempt for American objects and interests; and indifference and contempt are fatal sentiments in a government, that reposes for its basis on love of country. If the subject were not rather too serious, we would recommend to minds of such a stamp the apologue of the astrologer that tumbled into a well: an unpleasant event, which, as we are told by La Fontaine, not only convinced him of the folly of his profession, but admonished him of the expediency of settling his own affairs before he interfered with the business of the stars.

The above remarks may be considered in the light of an apology for the following pages; for we would not willingly be thought to have made even this trifling effort, on a subject altogether unworthy the attention of a wise man. It is our object to prove, that the efforts now making to excite an insurrection in New-England, are not made with the view of removing those pretended grievances, that are held out as the ostensible justification, but in the intention to effect a separation of the States. If the question were entirely new to the public, the argument would divide itself into two parts. It would be necessary, first, to prove

that the ostensible grounds of resistance are not the real objects of the leaders, and then that this object is a separation. But such is the state of things at present, that the second of these points no longer requires a formal argument in its support. The project of separation is openly avowed. The Newspapers are full of it. The Senate chamber and the House of Representatives have rung with this treasonable note. It is even intimated in the Governor's speech. No veil is now drawn over it, but the flimsy disguise that it is sought as a *means* by which to obtain relief from oppression, and not as an *end* desirable for its own sake.

In this state of the argument, therefore, it is only necessary to prove, that the grievances complained of do not exist or are grossly exaggerated, and the point is established. For since the project of separation, so often denied and concealed is now avowed, it is only required to shew the fallacy of the pretences brought forward to justify it, and it then stands in its naked deformity, as the *object* which it is really intended to effect. These pretences are the common grounds of complaint, that are brought against the Government, such as the injustice and inexpediency of the war, the embargo, and French influence. We have, therefore, confined our observations principally to these topics ; and having, as far as lay in our power, proved the futility of these accusations, we have considered ourselves authorized to draw the conclusion, which has just been said to follow. It is obvious that this conclusion is made still more probable, if it can be shown that the project of separation was entertained before any or either of the present griev-

ances were complained of. We have adduced in support of this point some evidence which happened to be in our possession, and which we presume will give it a high degree of probability.

As we have not entered into any laboured train of reasoning to prove the existence of a project of separation, which is not concealed, so we have not thought it necessary to undertake a formal exposition of the advantages of union, which we consider self-evident. Union is like female chastity. It must not be called in question. When we find it necessary to prove its value, the substance is gone. If any candid man, however, entertains doubts on the subject, we can but refer him to the discussions on this subject in the *Federalist*, and to the prophetic warnings of our political father—we can but tell him to compare the situation of the United States, since the union was established by the constitution and before—we can but set before him the glass of history and bid him track the progress of *disunion* through the long course of ages, from century to century, by her footsteps of desolation and blood. But no, it is not necessary. The blessings of union flash upon the mind like sunbeams on the eye. It is the air we breathe, and the light that cheers and supports us; it flourishes and blossoms in our fields, and swells and whitens with our canvass on every ocean: it smiles upon us in our seats of learning, and piety, and charity: we hear its voice in the cheerful bustle of our workmen and manufacturers; in the eloquence of our orators and statesmen: it is the soul of our world, the lively spirit that gives animation, and fulness, and vigor to our political system: and is it not melancholy, that rational men for the paltry gratifica-

tion of filling the first offices in a section of the country, should wish to disturb all this heavenly harmony, this music of the spheres, and cut off with one irreparable wanton stroke, the silver cord that binds our republic in unity?

Quantos tum genitus ipsi sibi, quantaque nobis
Volnera, quas lachrymas peperere minoribu, nostris.

They tell us indeed that there is no magic in the word *union*. It is, alas ! but too true. The work of destruction is easier than that of creation. It is with the body politic as with the human frame. Man, the wonder of the world, the paragon of animals, is after all but a compound of perishable materials ; a bundle of bones, and muscles, and nerves, and veins. He stands to be sure in his place, the master of this lower earth, and his curiously organized and compacted system is the residence of a heavenly spirit, but there is still no magic in the name of *life*, or if there be, it is a spell that may be unbound by a bodkin. But when the spell is gone, and you have satisfied yourself that life may be destroyed, you have for your consolation darkness, and silence, and death, instead of reason, and light, and happiness. So it is with the union. Destroy it you can, but to reproduce it is beyond your power ; and the work of destruction once accomplished, you will have to reflect with what satisfaction you may, that you have torn away from yourselves, and your sons, and the long line of your posterity, a blessing, which no art, or chance, or lapse of ages is competent to restore.

Such being the object of the following pages, it will be perceived that the form, which they assume, is accidental : they are in no other sense a criticism on the

Governors speech, than as that speech is an exposition of the doctrines we oppose. It was hoped that the little practical good they could be expected to effect, would be produced more readily by this form than by any other. In examining the points in controversy between Great-Britain and the United States, we have forborne to say any thing on the subject of expatriation. The discussion is long, and intricate, and difficult; and we sincerely hope and believe that the question of peace or war will never turn on this point. And though we fully agree with the Government, as to the right of expatriation, we should be sorry to see it defended by retaliatory slaughter. "Let us leave the Tarentines their angry Gods," said the Roman Fabius, when he was consulted about the plunder of that city. Let no principle of retaliation induce America to borrow the scalping knife of an Aboriginal, or the criminal code of an Englishman.

It is however not the least of the many absurdities continually brought forward by the movers of insurrection, that one of their principal arguments in favor of throwing off allegiance is that the subject has no right to throw off allegiance in any case whatever. They threaten to rebel against the Government for contending that the citizen has in certain cases a right to rebel; for most certainly the right to rebel includes the minor right to withdraw, and the citizen must be his own judge in one case as well as in the other. Thus they reduce themselves to a most perplexing dilemma, for if they are right in their doctrine, then they are wrong in their practice, because they have then on their own principles no right of resistance in any case whatsoever; and if they are wrong in their doctrine, and

really have a right to resist, then the Government are right, and they of course are in the wrong in opposing them. Another specimen of accuracy of reasoning on the subject of allegiance may be found in the Hon. Mr. Quincy's Address to the Washington Benevolent Society, in which he informs that body, that the right of the Government of Massachusetts to claim obedience from the people is divine, unalienable, inherent and perfect, on a par with the divine right ascribed by Paley to *kings* and *constables*; but that our allegiance to the United States is only secondary and imperfect, notwithstanding an unlucky clause in the constitution, by which we agree that that instrument and the laws of the United States shall be the supreme law of the land, any thing in the constitution or laws of any State to the contrary notwithstanding. It was observed by Johnson of the dispute between Milton and Salmasius, that when political discussions are committed to grammarians, the rights of nations degenerate into questions of syntax; but we seem to be denied even this poor privilege of professional justice. Our constitutions cannot obtain, even in the hands of lawyers, a legal construction.

The writer of these remarks could hardly have thought them of sufficient importance to procure him the tribute of personal abuse. But while they were publishing in the Boston Patriot, his motives were assailed in some articles in a daily paper, written, by some person, who, if he knew the writer, as he seemed to intimate, should have known him better. He is not however very solicitous about the opinion which that gentleman may entertain of him, while he knows, that those whose friendship he values, and

whose judgment he prizes, will do justice to his intentions, whether they differ from, or agree with him in sentiment. They know the school in which he was educated, and to them he may be permitted to say with **Corneilles Nicomede**.

Le maitre, qui prit soin d'instruire ma jeunesse,
Ne m' a jamais appris a faire une bassesse.

REMARKS

ON THE GOVERNOR'S SPEECH, No. 1.

THE surest way to make a man or body of men anxious about any object is to place it beyond their reach. In the distribution of powers that was made at the arrangement of the Federal Government, the department of national politics was confided to the General Congress. The several States were relieved of a burden and were left to manage uninterruptedly their particular concerns. When we consider that the whole aim of the former department is to avoid evil and danger, and to confirm to the citizens that negative blessing, not be deprived of such enjoyments and goods as fall within their reach, and that to the latter belong all positive institutions for the promotion of justice, religion, science, and charity, the individual States, it would seem, would have business enough to employ them without intruding on the province of the General Government. But no sooner have they placed without their immediate direction, this portion of their interests, than it becomes the all-important object, that absorbs and swallows up every other consideration. How blessings brighten as they take their flight, says a poet, and we may add, how many things by taking flight become blessings, that were thought very troublesome while we had them.

In pursuance of this principle we regularly find that no sooner does a State Legislature commence its session, than the Governor sends them a message, not about the internal business of the State, about the mischiefs to be redressed, or if happily there are none, about the improvement of morals, arts and manners ; he does not tell them of universities to be encouraged, of schools to be established, of manufactories to be promoted ; he forgets to direct their eye to our internal navigation and intercourse, that languishes for want of Legislative aid ; we hear nothing for or against the claims of numerous citizens that are groaning under accumulated debts ; but after informing them that the coroners ought to give new security, and that he has received from the Secretary at War, the arms, which he had previously refused to employ, he fastens at once upon the very subject with which of all others he had no concern, and institutes an inquiry into the conduct of the General Government. The Houses imitate this brilliant example : they take up with a laudable docility the thread of his Excellency's argument, and continue the inquiry into the conduct of the General Government. The contagion spreads, and as the Legislature received their message from the Governor, our country towns receive their messages from the Legislature, and echo them with new inquiries into the conduct of the General Government. Now however honest and well-meaning may be our brethren in the country ; however sage and eloquent the members of our Legislature ; however venerable and patriotic our Chief Magistrate ; and however competent each and all of them may be to arrange the concerns of this or any other nation ; it seems not a little singular that

they should think proper to exercise their talents precisely on the individual subject which they with a sober deliberate choice committed to the conduct of a different body.

A pretty body of public law might be collected from these legislative addresses and answers. We met not long since with a speech, delivered to the General Court some ten years since by our present Governor, in which he entered somewhat largely into the investigation of the origin of Government, the rights of man and the theory of society. The abuse of the terms *liberty and equality* was rather severely reprobated, and it was more than insinuated that obedience to Government was not only a principal duty but really for the best interests of the citizen. These notions are now so old-fashioned that we can hardly conceive how they could have been sanctioned so lately by such a high authority ; but the Governor is not one of those that are ignorant in spite of experience ; and if he has fallen into an error he is willing to acknowledge it. He has since become a convert to other opinions, and his present system is the sovereignty of the people, the rights of man, the sacred duty of insurrection ; and we cannot but admire the liberal candor that does not shrink from putting his present ideas in direct opposition to his former ones, by adopting the same vehicle for conveying them—a speech to the Legislature.

The speech of last year was one of the longest and most elaborate, that we recollect to have met with. It was issued pretty soon after the Prince Regent's manifesto was received in this country, and was of nearly the same length. We never took the trouble to compare them, but the impression we received from

reading the Governor's was, that a large proportion of it was copied verbatim from the Regent's. At all events, there was a happy uniformity in sentiment between the two ; and though we cannot boast of having been convinced by either of them, it is but common justice to admit, that all the plausible things, whether true or false, that Sir William Scott could say for his master, were transferred with a highly creditable fidelity into this communication. The present speech may be considered as an epitome of the last ; though some of the topics that were then discussed more at length, are almost neglected. We hear, for instance, not so much about the Orders in Council and the Decrees of Berlin and Milan, though the Governor still lingers on that favourite subject, as if loath to take his leave of a matter so pregnant with honourable and pleasing reflection.

The terse and condensed form in which this document sets forth the views of the British party, makes it very convenient to be taken as a text for the few remarks we propose to make on the opinions entertained by that body. The Governor sets off with a gratuitous vindication of the repeal of the British Orders ; gratuitous, we say, because as they are actually repealed, they could not well be made a subject of quarrel, whatever motive may have occasioned their revocation. But it seems insinuations have been thrown out against those motives ; and though the British Cabinet expressly assigned the repeal of the French decrees as the cause of it, some incredulous sceptics have supposed that even their assertion was not conclusive proof. Of such unreasonable suspicion, the Governor expresses his opinion in the following terms :

“If the British Orders in Council were a principal cause of the present war, we had the utmost reason to expect, that when those Orders were revoked, and an armistice was proposed with a view of opening the way to an accommodation, that proposal would have been readily agreed to. But the revocation of the Orders seemed to produce no effect on the measures of our administration. And though the British Government had often declared, that the Orders should be revoked, when the French Decrees were repealed; though they were revoked as soon after the repeal was notified, as the then deranged state of the British Ministry would permit—and though in the act of revocation, the repeal of the French Decrees was assigned as the cause of it—yet an attempt has been made to convince the people of this country, that the British Orders were not revoked in consequence of the repeal of the French Decrees, but from the pressure of our restrictive system. This attempt seems to exhibit a want of fairness, and a disposition unfriendly to peace with Great-Britain.”

Notwithstanding the diffidence with which the opinion contained in the last sentence is expressed, it is pretty obvious, that the Governor has made up his mind on the subject, and is firmly convinced that this attempt not only seems, but actually does exhibit the uncandid and unfriendly disposition alluded to. However unpleasant it may be to differ from the Chief Magistrate on this important subject, we are induced by the following circumstances to entertain a contrary sentiment, which we take the liberty of submitting to his Excellency's notice. The question is, whether there is reason to suppose that the Orders in Council were repealed bonafide in consequence of the French Decree, dated April 21, 1811. The engagement made by the British Ministry, was to rescind their Orders upon the repeal of the French Decrees. The obvious and necessary meaning of this engagement is, that as soon as they were informed of the French repeal, they

should follow it with their own. It did not permit them to wait till they could see whether the repeal would be acted upon with good faith, for in that case the engagement would be entirely nugatory, for they might then have taken as much time to ascertain that fact as they chose to require. Neither did the engagement prescribe any form to be observed in the French repeal, and of course contained a virtual promise to be satisfied with any sufficient evidence of the fact. In this state of things, the Duke de Cadore wrote his letter of August 5,* 1810, to Mr. Armstrong, informing him that the Berlin and Milan Decrees were revoked, and specifying the time when they would cease to operate. Here then the *casus fœderis* happened, and the British Cabinet was bound in good faith to rescind their Orders. What did they do? They demanded a formal decree. Had any thing been said in the engagement about the form in which the repeal should issue? Not a word. Now we submit to any candid man to say, whether England was not equally bound by this notification of the French Minister, as she could have been by the most formal instrument. She had the assurance of the French Cabinet, unequivocally given, that the Decrees were actually revoked. Will it be said the French Cabinet are not entitled to credit? We really think that a little variation in the form of the declaration would not have increased it. If France was false, it was as easy to violate her decree as her word. If France was false, she was as much so before Great-Britain made the engagement, as at the repeal, and it was the folly of Great-Britain to bind herself to act on the supposition of her truth; but having so bound herself, she could

* "Boston" is right. The letter was dated Aug. 5, and not Aug. 10.

not violate the engagement without breaking her own. It has been pretended, that the notification by the Duke de Cadore implied a conditional repeal. We conceive that the terms do not admit that construction. The offer made to France by our Government, was simply this : Repeal your Decrees, and if England does not repeal hers, we are bound by law to hold no intercourse with her. What was the answer of France ? We have repealed our Decrees, in consideration that if England does not repeal hers, you are bound to hold no intercourse with her. Is this a condition ?

England then was bound in good faith to rescind her Orders at this time. She had no right to wait and see whether the assurance of the French Minister proved true. It was enough that she was informed of the fact by the authority of France. If she found herself deceived after rescinding, she could but have restored her Orders, and would have stood on the highest ground. She rather chose to make the very singular demand of more evidence of the repeal. Here then we may at least go the length of saying, that there seems to be a want of fairness in the English Ministry, and a disposition unfriendly to peace with the United States.

Observe, that we have no disposition to enter into the question, whether the repeal announced by Cadore was actually carried into effect. Unless we suppose that England had a right to wait, after being informed of a French repeal, till she could see with what good faith it was executed, that question is of no importance here ; and such a supposition, as we said before, reduces the English engagement to a nullity.

Let us now see the issue of this business. The history of the repeal of these Orders, when it did take place, connected as it is with the negotiations then carried on for a change of the Ministry, exhibits one of the most curious intrigues to be found in history, and adds another to the many instances, that prove on what slight accidents the affairs of nations are made to depend.

In April 1812, the Prince Regent published a formal manifesto, in which he declared his intention of never swerving from his Orders, till America had procured a formal repeal of the French Decrees; and his declarations were interpreted by his Minister in this country, to mean that this repeal should extend to all other nations as well as to America. This was the keystone, that filled up the arch and undoubtedly determined the war. Meanwhile Mr. Barlow was procuring about the same time, in Paris, the Decree that bore date in April 1811, and actually obtained it, and sent it to England some time in the beginning of May. As soon as it was heard of, the idea of founding a repeal of the Orders on a French repeal, so glaringly false, antedated and hypocritical, was publicly reprobated in every possible shape, and especially in Parliament.* And it must in candor be admitted, that the pretensions of the second repeal to sincerity and good faith, were very far inferior to those of the first.

* When this repeal was first mentioned in the House of Commons, Lord Castlereagh and Mr. Baring agreed that it was "*a shameful trick*," and that it made no alteration in the state of the case. Mr. Brougham admitted that it was "*a shameful trick*," but expressed some doubt whether it might not be made the ground of a repeal. In his subsequent investigations, however, he laid no stress on this point.

While the public mind was under this impression about American affairs, on the 11th of May, 1812, Mr. Perceval, Chancellor of the Exchequer, was assassinated in the lobby of the House of Commons, in Westminster-Hall. The loss of this person completely prostrated the ministerial phalanx, that had already been sadly broken by former disasters. The death of their great oracle, Pitt, the duel of Canning and Castlereagh, which banished the former from the Cabinet, and the resignation of Lord Wellesley that happened the January before, had left the Treasury benches in both Houses bare of talents, with the single exception of Mr. Perceval. The sophistry that had smoothed over piracy with the appellation of the rule of 1756, was still in being in Mr. Stephen,* but Mr. Stephen had no political influence, and Lord

* Mr. Stephen is the author of *War in Disguise*, a sophistical vindication of the rule of 1756, which was ably refuted by Messrs. Madison and Rufus King in separate pamphlets. The outrage which Stephen attempted to justify, seemed for a time to obliterate all distinction of party.

On the subject of this famous rule, the author of *Madison's War*, a pamphlet published in this town in 1812, has the following sentence:—"I distinctly recollect, that when Mr. J. Q. Adams thought it necessary to defend the administration and to attack the Orders in Council, he did not dare trust himself on the modern plea of the British aggression of May 1806, but he more prudently went backward and rested the defence of France on the British *adjudications in the war of 1756*. There were among us *some*, who thought that he might as well have urged the invasion of France by Edward the Black Prince."

In his zeal to attack Mr. Adams this writer forgot, that the rule of 1756, though first acted on, or rather first defended during the war which began in that year, (for piracy has, probably, been *practised* in all ages,) and intermitted during the American war, was revived in full vigor at the beginning of the French revolution, and has been enforced ever since up to the present day. He forgot that it was not necessary to go further back than from 1808, when Mr. Adams wrote to 1805, to find the most odious extension of this rule in practice, and the most plausible vindica-

Liverpool, the Coryphæus of the upper house, was at best *vox et preterea nihil*. Perceval then was their sole dependance. His greatness was entirely the creature of circumstances. He became a giant, simply because all around him were pygmies. In his long and laborious progress through the different stations which he had occupied in the Courts, he had acquired a readiness of repartee and a point and quickness in debate, that enabled him to wield with some success the machine of the House of Commons. He was however, but ill calculated to make up for the Ciceronian, imposing eloquence and unexampled influence of character that distinguished Pitt, and his powers and acquisitions were far inferior to those of Canning. We have often heard him speak and can truly say, that the principal lawyers of this State might not have thought themselves complimented to be compared with him. There was nothing flowing or rich in his eloquence, and nothing philosophical in his genius. He occupied the very antipodes of Burke. Such as he was however, he was the stay and staff of the party. When he was gone, they were left unsupported to contend with Grey and Grenville and Holland in the Lords, and Sheridan, Tierney, and Whitbread in the Commons, beside the third party of Wellesley and Canning, in some respects, more formidable than the Foxites. The consequence was, what might have been expected, that the Ministry sunk almost without a struggle. One of the first

tion of it in print, that the world had seen since Charles Jenkinson was pensioned for justifying the Ministry in their violation of the law of nations and their treaty with Holland.

votes that was taken after the death of Mr. Perceval, left them in the minority, and they immediately sent in their resignation.*

It was the wish of the Prince Regent at this time to form a coalition ministry, which should embrace the eminent talents of all parties ; and he employed the Marquis Wellesley, a man of a powerful mind and great personal and family influence to effect this object. After using every possible effort for about three weeks, Lord Wellesley found that success in this scheme was entirely hopeless. The rooted aversion of the leading partisans for each other was so great, that they could by no means be brought to act together, and he gave up the attempt—meanwhile there was a sort of interregnum in the government. The actual ministry only held their seats till a new one could be named, and could not be supposed to feel a very strong interest in the conduct of a concern that was thus shuffled out of their hands. Something however must be done ; and in this strange situation the Prince commissioned his particular personal friend, Lord Moira, to make one more effort to effect a coalition, and if that could not be done, to admit the opposition on their own terms. A coalition was accordingly attempted once more, and with the same success, so that it was at last determined to admit the opposition. The Earl of Moira had frequent conferences with Lords Grey and Grenville, the leaders of that party, and after a good deal of altercation and argument, all the great principles of the system to be pursued were settled, to the mutual satisfaction of both parties. The three great points of difference, viz. the Catholic question, the war on the Con-

* Mr. Perceval was assassinated May 11. They resigned the 22d.

continent, and the affairs of America, were adjusted, and had this arrangement not been frustrated, the Catholics of Ireland would at this moment have been emancipated, and what is of much more consequence to us, peace would have existed between this country and Great Britain.

At this moment were displayed in their full extent the folly and the curse of monarchical governments, or if you will the perversity of human nature. After the great principles of government and policy were adjusted, there remained some smaller particulars to settle; and finally when every thing else was done, the opposition leaders insisted that the Lord Chamberlain, Marquis of Hertford, an officer of mere parade, should be removed. This Lord Moira positively refused, and the negociation was broken off. That such a trifle should have frustrated an arrangement of such importance, would excite no little surprise; but that sentiment yields to indignation and contempt, when we find that the reason why Lord Moira could not ask the Prince to part with his Chamberlain was, that his Royal Highness had a tender attachment for his Chamberlain's wife. What a pleasant page this will fill in history! The Catholic found his chains clanking again round his limbs, after a momentary hope of respite, and a deeper darkness settled on the gulph that interposed itself between England and America. Four millions of people were deprived of their equal rights, and two nations were involved in a war, that could not end without the loss of many thousand lives and many millions of property—because it would have been impolite and indecorous to molest the First Magistrate of the bulwark of our religion, in his enjoyment of adulterous

pleasure.* It may perhaps be a matter of wonder, why the opposition Lords should have insisted on this removal; and their conduct in this did not escape censure. They probably thought however that the Hertford family would be the real ministry, and felt averse to giving their name and authority to measures, which they did not originate.

We now come to the point which connects this narrative with the repeal of the Orders in Council. Baffled in all his attempts to form a new ministry, the Prince breathed upon the dry bones of his former cabinet, and invested them once more with their robes of office. During the latter part of the negotiations we have just related, Mr. Brougham, the friend of America, had taken advantage of the disordered state of the cabinet, to press upon the consideration of Parliament the repeal of the Orders in Council.† It was not however on the ground of the French repeal—that was hardly mentioned. It was on the ground of the internal distresses they occasioned in the manufacturing part of the country; to prove the existence of which, hundreds of witnesses were examined at the bar of the House of Commons. The ministry still tottering on their seats, unable to oppose the torrent of public opin-

* The connexion between the Prince Regent and the Marchioness of Hertford was a matter of public notoriety to every individual in London. The other facts respecting the negotiation are principally taken from a pamphlet, published under the direction of the opposition Lords, of which an account may be seen in one of the Edinburgh Reviews for 1812. The Reviewer, reputed to be Mr. Brougham, disapproved of the conduct of the opposition Lords in the close of this business.

† The inquiry was instituted about the latter end of April or the beginning of May; but Mr. Perceval at the time, declared himself as fully attached as ever to the orders. Evidence was heard on the subject from time to time till his death, and after Parliament had recovered from that shock, the inquiry went on till the repeal took place on the 18th June.

ion, and willing to procure popularity by a conciliatory measure, concluded that the Orders should be repealed. To save their own consistency, they thought proper to insert in their repeal the clause which the Governor deems so conclusive.

Such is the history of the repeal of the British Orders. If any man, that reads and believes it, is still of opinion, that it is unfair to suspect the ministry of having been actuated by any other motive than the French repeal, we can only say, that his mind is differently affected by evidence from ours. As we are not conscious of being biassed by any prejudice, we cannot but think that the reader will coincide with us in sentiment ; and that the suspicion of unfairness, entertained by the Governor, must fix itself in some other quarter.



No. 2.

THE next subject that the Governor touches upon is *impressment*, a subject of much more consequence than the one we have just considered : for as the Orders in Council are really revoked, it is rather a question of curiosity, than advantage, to inquire what particular circumstances occasioned that very desirable event ; and it is perhaps of minor importance to the free citizens of the United States, to know what operation this or that motive may have had on the mind of an English courtier : but the matter of Impressment concerns the lives and liberties of our own countrymen. It deserves to be seriously considered, not rashly decided on. The Governor expresses his opinion upon it in the following paragraphs :

“Nor can we readily believe that the war was declared or is carried on for the protection of our *native* seamen. The States which produce them, well know, that the number impressed by British ships has been grossly exaggerated—that the British Government has uniformly disclaimed any right to impress them—that when impressed, they have been discharged when their citizenship was ascertained; and that the number of British seamen employed by us, has, at all times, been far greater than those of all nations who have been impressed from our vessels. No class of men has suffered more by the war than our gallant native seamen; they have been more injured in one year of hostility, than they ever were, or probably ever would have been by British impressment—they are eminently distinguished for bravery and naval skill, and whenever their services can be useful to their country, they will do all that men can do. But their number is diminishing, and during the war must continue to diminish, from the annihilation of their ordinary business, as well as from the immense superiority of force employed against them.

“If we are contending for the support of a claim to exempt British seamen from their allegiance to their own country, is it not time to inquire whether our claim is just? And, if the justice of it was apparent, whether the cause we are pursuing has any tendency to establish it, and to change the opinion and laws of the States of Europe? So far as the war is carried on for this purpose, or to protect neutral merchant ships from search by belligerents, it seems to be equally opposed to our own principles and practice, and the established rules and usages of other nations.”

On this subject, as on the last, it is our misfortune to differ from his Excellency; and we shall make no scruple to lay our reasons for so doing before the public.

Before we proceed directly to consider this subject, it is well to notice the remark, made by the Governor, that the British government has uniformly disclaimed any right to impress native Americans. We are not aware that it was ever asserted, or even suspected, that such a claim had been advanced. If

they really supposed themselves to possess such a right, policy would dictate to refrain from publishing it ; for the enormity of the claim would at once destroy every possibility of its success, and unite in opposition to it every individual that by any means whatever was brought within its operation. But we have charity enough for the British ministry to suppose them sincere in disclaiming such a right : we can hardly imagine that even Castlereagh or Canning think themselves at liberty to kidnap free men at discretion. Neither are we aware that our government have, as is intimated above, made a claim of exempting British seamen from their allegiance to their own country. The claim they make is to exempt our own vessels from being searched for British seamen, and the citizenship of our native citizens from being called in question, and decided on by the petty naval officers of a foreign power, in the exercise of the not very consistent duties of judge and party interested. Our government have always professed themselves willing, as far as they could, to assist the British government in securing to themselves their own seamen ; which is as far as a nation can be required in reason to extend their complaisance. We are really unable to see any justice in obliging the American government to guarantee to England the services of all her sailors, under an enormous penalty, with whose desertion they have no more concern than the Emperor of China. The real question then is, have the British government a right, by the law of nations, to enter our ships by their officers, and take from them such men as they choose to call British seamen ?

We observe first, that the practice of impressment is itself an outrage on all law, human and divine ; and that it is the grossest abuse of terms to call it legal, wherever it may be practised.—It is as much against law in Great-Britain, as any where else. Is there an act in their statute book that justifies it ? Not one. Is there a case in all the multiplied reports of their multifarious courts, in which the point is decided, that a free English citizen may be impressed ? Not one.—The timidity of their judges has induced them to connive at the practice, which a conscientious discharge of duty would compel them to check in every individual instance. Of what consequence is the *habeas corpus* act, if two hundred thousand freemen of equal rights with their fellow-citizens, are deprived of its benefits ? They pretend that the right is founded on immemorial usage. The Governor is too good a lawyer to be ignorant that no prescription can run against the life and liberty of a citizen. If a statute were passed to-morrow in the British Parliament, investing the crown with this odious prerogative, the statute would be void ; for it would be contrary to the express provision of magna charta. They say that necessity justifies it. A temporary and unexpected necessity will doubtless justify a temporary infraction of law and justice, to meet its exigencies. But what shall we say to a necessity that has existed from time immemorial ? Common sense would say at once, that such a necessity is one of the ordinary necessities of government, and that the sacrifices it requires, must in justice, be apportioned equally among those who are to bear them.

This then is the root of the evil. If Britain would wash her hands of this domestic tyranny, we should

hear no more disputes about allegiance and right of service. We anticipate, however, the very just remark, that we have no right to interfere with the municipal regulations of a foreign power, any farther than they operate upon ourselves. We return, therefore, to the real question, as stated before. To resolve this question, we beg leave to ask, in the first place, on what the right of search is founded? Is there an original right in every ship that sails upon the ocean, to stop and examine every other ship she meets? If there be, on what is it founded? It certainly does not belong to the ship itself, but to those who navigate it; nor to all together, more than to each individual separately; and as we can discover no reason why a man has a greater right to interfere with his neighbor at sea than on shore, it must belong to every individual in the world by land or sea: that is, every individual has a right to stop every other man he meets, and inquire his business, with the liberty of fighting him if he refuses to tell. Such are the absurdities that necessarily follow the supposition of an original right of search. They are so glaring, that we apprehend we shall be charged with inventing a system for the mere pleasure of refuting it. To free ourselves from this imputation, we must be permitted to remark, that this is the opinion of the Abbe GALIANI, one of the best writers on national law, and honorably quoted by Mr. Pickering, in his correspondence with Mr. Monroe at Paris. This writer, convinced of the impracticability of sustaining the right of search as a belligerent right, and yet unwilling to give it up entirely, resorted to the above theory to reconcile his prejudices with his understanding. He first states as a principle, that “a traveller by land knows to a cer-

tainty what the towns, cities, and castles are that he meets, and what government their inhabitants belong to ; he may even know by his geography, what places he is to find before he arrives at them ; but at sea it is impossible to be certain of a country to which a ship belongs ; whether it be a merchant vessel or an armed ship, and what cargo it contains, till you have not only examined it very nearly, but have been on board to visit it." From this principle he draws his conclusion, that " the right of search is a natural right, given for defence and protection. It does not belong to armed ships only : it exists not in times of war alone : it is a universal right, that belongs reciprocally to all nations in all places."*

This doctrine requires no refutation. The most that will be pretended is, that the right of search belongs to belligerents. We mention the other opinion, merely to shew that a writer who in his zeal for the right of search could admit even such reasons as that, could not grant this right to belligerents as such. And in fact, how is it conceivable that two foreign nations, of whom I am entirely independent, by falling into a dispute with each other, acquire a right to detain and molest every innocent ship of mine that sails on the ocean ? It would be much more natural to suppose that the peaceable nation acquired the right, if she had the power of exercising it, of seizing all belligerent vessels, as well-disposed passengers feel themselves authorized to step between two bullies, who are fighting in the street. The right of search then, does not belong to belligerents as such.

* Galiani on Neutral Rights, c. 10, s. 5.

What then is its foundation? for we by no means intend to deny that it exists. It is founded entirely on convention. Belligerent nations probably usurped it at first, and neutrals have been obliged by fear, or induced by supposed convenience, to concede it in the sequel. These concessions are proved and recorded in various treaties; they have been sanctioned by respectable writers on the law of nations, and have been acted upon till they have grown into a confirmed and settled usage, which no nation that has practised or submitted to it would be justified in resisting, till she had first given reasonable notice. But being founded on convention, this usage is of necessity defined and restricted by the convention which justifies it. For the purposes specified in treaties, and the law of nations, ships of war have the right of visiting and searching neutrals; but for all other purposes whatsoever, they are no more justified in visiting a ship, than in making a descent upon the territory of a nation, and for every other object but those defined by law, the yard of bunting that floats upon the poop of a merchant vessel, is in reality, to borrow the language of a writer who intended it for sarcasm, more sacred than the veil of a vestal. Some cases may be considered as doubtful; such is the question of free ships, free goods; and though the burthen of proof clearly rests on the belligerent, and therefore, till his claim is made out beyond a question, he is bound in justice not to exercise it, yet it is not unnatural that the arm of power should strain a doubtful point to its own interest. In the case of impressment, we have happily no occasion to strike a balance between conflicting decisions or opposite authorities; for the most determined advocate of this

practice, not the Governor, not Mr. Pickering himself, ever pretended to produce a single treaty that authorized the practice: a single passage from the weakest writer on national law, that—we will not say, *justified*, but even *mentioned* the right of impressment. The nearest approximation to it, that has been discovered, is in the right allowed by treaties, to take from merchant ships soldiers of an *enemy* in actual service. The spirit of this provision is obvious, to prevent the enemy from using neutral merchantmen as transports. We may consider, however, that cause as nearly desperate, that, in defence of a right founded only on specific concession, justifies the taking of friendly seamen under a grant of enemy soldiers. The law of nations, by her own construction, permits Britain to take enemy's property from neutral bottoms; but we are not aware that she has ever interpreted the phrase, enemy's property, to mean that of British subjects. The ancient Romans, in their earliest period, considered the terms of stranger and enemy, as synonymous; but we never heard that even they confounded the distinction between *hostis* and *civis*, an enemy and a citizen. Since then the right of impressment, if it exist, is founded on specific concession, and since no such concession is adduced, or even pretended, it may be considered perhaps the clearest point of national law that ever was agitated, that no such right exists.

It is an obvious consideration, in addition to the above, that if the right of Britain to take British seamen, *known to be such*, from our vessels were admitted, (which God forbid it ever should be,) it would still be but common decency to allow them the form-

alities of a legal trial. The liberty of a man certainly deserves as much regard as the ownership of a bale of cotton. A cask of the meanest 1st proof Jamaica spirit can only be forfeited by the sentence of an Admiralty Judge, but the living vessel, which contains a portion of that pure spirit, that the Almighty himself breathed into man when he gave him understanding, is subject, forsooth, of right, to the arbitrary decision of that grave and venerable personage, (learned, no doubt, in the law of nations,) the lieutenant of a ship of war. When slavery or villenage was the legal condition of the greater proportion of English subjects, the good sense and humanity of the English law, if a man claimed to be free, always threw the burthen of proof upon the master. But an American seaman is subject to this most arbitrary and galling tyranny, unless he can establish his exemption, by doing what is commonly pronounced impossible in logic, we mean, proving a negative. It is as if a constable, in search of stolen property, should enter my house with a warrant, and take, not what he could reasonably establish to belong to the complainant, but all the furniture that I could not prove, by legal voucher, to be my own. Only think, for a moment, of the barefaced enormity of this pretension. It is not that Britain may take, where she can find them, the seamen she can prove to be her own, but that every sailor, in every ship of every nation in the world, must prove by indisputable documents, that he is *not a British subject*. This is the right for which Britain has drawn the sword, and which the Governor of Massachusetts is supporting with the whole weight of

his official authority, and respectable individual character.*

It is not uncommon for the advocates of impressment to pass somewhat lightly over the *right*, and take refuge in its *necessity*. They say that it is a practice indispensably necessary to the existence of Britain. To this there is but one rational answer, that liberty is also indispensably necessary to an American citizen, and that our Government are under

* A writer in a Daily Paper, soon after this essay was published, intimated that he was not convinced by our argument about the right of search and impressment. Such perversity must be proof against all further attempts in prose, and we take the liberty of recommending to him the following lines, as having some relation to the subject. They accidentally fell into our hands some time ago, and appear to have been written about the time the pirate Dalton received his pardon from the President. We suppose from the manner in which they were arranged, and from every line being begun with a capital letter, that they were intended for poetry.

THE PIRATE.

Joy to thee, Dalton, thy release is come :
 I'm glad the President had grace enough
 To pardon thee at last—Thy crime, I ween,
 Was ignorance, not malice—head, not heart
 Was wanting to thee. Thou hadst as good a will
 As any Prince or Emperor of them all
 To thrive on others' earnings ; but the manner—
 That failed thee. Things have chang'd since Shakespeare's time :
 There's virtue in a name—A pirate—fie on't !
Belligerent's the word.

I'll tell thee, Dalton,
 A story :—If thou keepst to thine old tricks
 It may be useful to thee—When long since
 The Bande Nere played their pranks in Italy,
 Two leaders of them posted each his troop
 Beside a narrow pass, and by consent
 Made war upon each other. One sent forth
 A formal declaration, and the other
 A justifying memoir ;—by which they gained
 Their rights belligerent—Rights to what ? No doubt

the absolute necessity of protecting our people. It is indeed very singular, that because Great-Britain has not policy enough to avoid such quarrels as endanger her existence, our innocent and peaceful citizens should be deprived of their dearest rights. It was the saying of an ancient poet, as imitated by a greater one of modern times, "Rulers run riot, and the people pay." It was a true statement of the hard necessity of human affairs; that innocent subjects must suffer for the faults of their guilty Governors. But a

To rob and kill each other. No; far better;
Rights over every innocent man that passed
To call him neutral, and then plunder him,
Yea, kill him, if they pleased; for "rights belligerent
Are paramount to neutral"* Each poor wight
That passed, they stopped and fumbled in his pockets;
Made him walk in, though life and death were staked
On the issue of his speed; secured his money
And wished him a good journey. He was happy
That saved his purse, by paying his entertainers
Handsomely for their trouble. Further still:
They stopped the diligences as they passed;
Coaches and waggon, and demanded proof
That the passengers were not their servants. Proof,
Sufficient, certain, some sure document
In which description tallied perfectly
With every line and feature of the bearer.
They argued thus: Our servants run away;
Now if stage coaches have the privilege
To carry whom they please, our runaway servants
Inevitably escape; and 'tis a less evil
For all the world to prove they are not our servants,
Than for our dignities to prove who are.
Proof not being had, the passengers had their choice
To enlist or lie in chains. They said, however,
As a mark of kindness, if these passengers' friends,
That lived belike in China or New-Holland,
Would prove them not their servants, they might go:
They only wished their own.

* *Madison's War.*

harder measure still is dealt to our unfortunate people. They not only suffer for the sins of their own rulers, but must bear the burden of the iniquities of other nations. Upon us are visited, not only the offences of our Presidents, but the crimes of the Emperor of France. They retaliate on us for the wrongs of their natural enemy. We cannot but recommend to the British Cabinet, as they have adopted the sentiments, to avail themselves of the language of Milton's devil; for we humbly think, in neglecting the

Now this was wisdom;

And thus these men grew rich. Thus shouldst thou, Dalton,
Instead of making war on all the world,
Have chosen some one enemy, so that thou
Being thus belligerents and the rest being neuter,
Plain natural law permits the self-same conduct,
That thou didst just not sowing for.

Common law

Holds, if a man shoot full into a crowd
And kill, 'tis murder, though no former malice
Appear against the slain. Suppose then, two
Shoot at each other through a harmless crowd,
Are they less guilty of the deaths that follow?
'Tis answered, let the passengers beware.
What? Shall the peaceful order of the world
Be broken, that two braves may have leisure
To break each other's heads? Thou monstrous reasoners!
Are blood and battle so to be encouraged,
That all things fair and liberal, smiling commerce,
Labour of tillage, all-producing arts,
Learning and science and the charities
That hang on general intercourse, must yield,
Quit, and retire and leave the earth itself
A mere arena, where two gladiators
May wallow, like wild beasts, neck deep in blood.
No; 'tis the peaceful nations have the rights;
Belligerents have none. If they will go
Quietly to a corner, and fight out
Their quarrels, let them do so, and be grateful
That peaceful nations grant that privilege.

poetry, they have omitted the least exceptionable part :

Thank him, who puts me loath to this revenge
On you, who wrong me not for him who wrong'd.
And should I at your harmless innocence
Melt, as I do, yet public reason just,
Honour and Empire with revenge enlarg'd,
By conquering this new world, compels me now
To do what else though damned, I should abhor.
So spake the fiend, and *with necessity,*
The tyrant's plea, excused his devilish deeds.

PAR. LOST, iv. 386.

We beg the reader to remark how well Mr. Canning had caught the spirit of the third and fourth lines, when he indited the very compassionate letter in which he condoled with America on the miseries of the first embargo.

We shall notice only one other method in which the advocates of impressment support their cause, of which the Governor has also not neglected to avail himself. This is, to wave all question about the right or justifiableness of the practice, and to rest their defence solely on the ground that it is an object not worth contending about. Of what consequence, say they, are a few seamen, more or less, to this country, compared with the blessings of peace and commerce? It is true, no doubt, that should the war last a good deal longer, we may perhaps lose in fair battle more seamen than we should have lost by impressment in twenty years. This is the point also, on which bears the inquiry instituted last year by our State Legislature, and the evident attempt to make the people of this country believe that the whole business is a gross fabrication. and that a single American citizen was

never impressed, notwithstanding the official records of thousands that have been discharged on proof, and tens of thousands that have claimed their discharge. We would ask the considerate gentlemen who hold the opinion above stated, where they learnt the maxim of policy, that the best way to avoid future wrongs and occasions of quarrel, is to submit quietly to the beginning of usurpation? Do they think to gain the favour of this gigantic power by surrendering to her grasp the victims she now thinks fit to claim as a propitiatory sacrifice for the sins of the rest? Such meanness never moved a British heart. They are too proud themselves to respect tame submission in others. Her claims, if unresisted, would extend from one thing to another; and when by gradual concession she had wrested from us our rights at sea, we should soon be in danger on shore. The sea-monster would rise from his native element and attack us in our houses, and the very advocates of impressment might only experience tender mercies like those of the ancient Cyclops, to be reserved for the last victims.

We read in the ancient history of Athens, that that country was once subjected by the king of Crete to a disgraceful tribute. By way of retribution for some real or supposed wrong suffered by his Cretan Majesty, they were bound to send every ninth year, seven young men and as many virgins, which the king, with a truly regal humanity, served up as luncheons to his grandson the Minotaur. We are told by Plutarch, that the Athenians twice paid this tribute of blood. The third time that it was demanded, Theseus, the son of the king of Athens, voluntarily offered himself as one of the victims; but instead of submitting tamely

to the fate that awaited him, he sailed with a powerful fleet, defeated the Cretan Admiral at the mouth of his own harbour, and delivered his country from this savage imposition. For this and other glorious exploits, Theseus was numbered by the Athenians with the greatest of their heroes ; and even at the present day, we cannot but admire his patriotism, and rejoice in his success. But what should we, what would his countrymen have thought of him, if he had risen in the Athenian Assembly and said to his fellow-citizens, "Men of Athens, I advise you to make no opposition to the demands of his Cretan Majesty. Fourteen young persons every nine years, is a loss that may be easily borne by your populous and flourishing city. Besides, you will lose in one naval conflict, in all probability, more precious lives than it will cost you to feed the Minotaur a century. When we are a great deal richer and stronger, and more populous than we now are, it may possibly be expedient to venture a quarrel about it ; but at present, our wisest course is submission."

Had such been the language of Theseus, he might very probably have passed for a prudent considerate gentleman, but we doubt whether he would ever have gained the reputation of a patriot and a hero. Whether this piece of history is at all parallel to any thing that we see in present transactions, we shall leave entirely to the decision of the reader.

The advocates of impressment are generally great admirers of England : we therefore take the liberty of stating, for their edification, the manner in which that country conducted in circumstances somewhat similar to ours. In the year 1738, the Spaniards suspect-

ing the English vessels that traded to the West Indies of a contraband intercourse with their own South American settlements, searched them very narrowly, and committed many acts of wanton oppression in these examinations. Sir Robert Walpole, then Prime Minister, a man of a very pacific character, was willing to make some sacrifices to preserve the peace, and had actually negotiated a treaty with Spain, in which he consented to leave the right of search for future discussion, for we may remark, that England then denied the right of the Spaniards to search her merchant ships. But before the treaty could be completely ratified, some fresh instances of outrage were heard of, and witnesses were examined on the subject at the bar of the House of Commons. Among the witnesses was one Jenkins, an officer in a merchant vessel. He testified, that the Spanish boarding officer had grossly insulted him, and when he threatened him with the vengeance of the British Government, the Spaniard cut his ear off, and told him to shew them that as a proof of what he suffered. "And what was your conduct in these circumstances?" asked a Member of the House of Commons: "Sir," said Jenkins, "I despaired of my life, but I committed myself to God, and my cause to my country." The Minister found it absolutely necessary to break off the negotiation, and declare war with Spain. We quote this instance not because we approve the conduct of the English nation in involving two countries in war for the unauthorized outrage of an individual, but to show the admirers of England what her conduct would be in circumstances like ours.

We too profess to be admirers of England ; but we would shew our admiration rather in imitating her good qualities, than in crouching to her oppression. We approve her free constitution, without thinking it faultless. We respect the character of her inhabitants, though we cannot find them amiable ; and we look with a tender regard towards the country of our ancestors, though that country spurned them from her shores, and has persecuted their decendants to the uttermost corners of the earth.



No. 3.

AFTER apologizing for the conduct of the British Cabinet in relation to the Orders in Council and impressment, the Governor proceeds, as might be expected, to attack our National Administration, and expresses his opinion of the late embargo act, in the following paragraph :

“The late act of the National Government interdicting the trade coastwise, between the different parts of the same State, as well as between the states respectively, and with all foreign nations, contains provisions of such a character as makes it worthy of an inquiry, whether any measure can be properly adopted by this Government, which would be likely to induce Congress to repeal them, or to amend them in such manner as to render their constitutionality less questionable?”

The import of this passage is pretty evident, though it has an appearance of moderation, that in another man might have been styled jesuitical. Could we suppose the Governor to have any thing in common with that arch-heretic Gibbon, we should conclude

that he, like the historian of Rome, had been studying grave irony in the school of Pascal. If, however, there were any ambiguity in the language of the speech, it is sufficiently explained by the answer of the House, which informs us, amongst other things, that this act "absolves from their obligation, as citizens, all such as are disqualified by its arbitrary provisions from enjoying their rights and fulfilling their duties as citizens."

If something still more explicit be wanting, we can inform the reader, that in the debate in the Senate on the answer, we heard from the mouth of that consistent and respectable federalist, the Honourable Francis Blake, the following sentiment:—He hoped that before the end of this session, the New-England States would be confederated into a separate sovereignty, and that rope of sand, the Union, dissolved.

Such being the opinions of the Governor, and such the sentiment of the majority in the Legislature, it is worth while to examine, for a moment, this arbitrary, tyrannical, "disfranchising act," and discover what gross and palpable violations of the Constitution are contained in it, that have roused to so high a degree the patriotic spirit of these *honourable men*.

In the first place, it is an act laying an embargo: and some, we do not say all, of its opponents have, at this time of day, made the discovery that all embargoes are unconstitutional. We should really think, after the recommendation and example of President Washington, and the sanction of the highest Judicial Tribunals of the country, that the question might be considered as settled, that an embargo is a constitutional measure. We recollect, that when Mr. Jeffer-

son's embargo was first laid, it was objected to, as inconsistent with the Constitution, because no specific time was provided for its duration. At that time, however, after full argument and mature consideration, it was decided by a federal Judge, that this act was constitutional. At that time it does not seem to have been even imagined, that the imputation of unconstitutionality could be fixed upon all embargoes, as such; and we presume very few rational men of any party, can entertain such an idea. We, therefore, beg leave to take for granted, that an embargo may be constitutional, and proceed to consider the remaining ground of objection, *that this act prohibits the coasting trade.*

The provision in the Constitution, authorizing Congress to regulate commerce, is confined in its terms to commerce *with foreign nations, between the States, and with the Indians*; but is it to be supposed for a moment, that when these interests, so much more important in themselves than the *coasting trade between parts of the same State*, were implicitly committed to Congress, that the latter was reserved as a thing too sacred to be placed at their disposal? Is that body authorized to dispose, as they think proper, of our trade with Great-Britain and the continent, the Mediterranean, Africa, China, the East and West-Indies, Greenland, and the North-West Coast, of the fisheries, and of our intercourse with all the other States in the Atlantic? Is all this commerce at their mercy to suspend and modify at pleasure, and are Hingham packets and Eastern coasters the only things that float the sea, too important to be committed to our delegated rulers. too momentous to be entrusted to any hands

but our own? We really think that, after placing at their mercy all the rest of our commerce, we need not be so very squeamish about this poor remainder. After all, however, it may be said that it is not placed at their disposal. To this we answer, it is not indeed *totidem verbis*; and the intercourse between different parts of the State seems, in general, to be of right, a matter belonging properly to the regulation of that State. But it is given to Congress by the most direct implication, whenever the circumstances of the times make it necessary to suspend all commerce, otherwise the power given to Congress to regulate commerce is entirely nugatory, since, under pretence of carrying on a coasting trade between parts of the same State, its provisions may be eluded without the possibility of prevention. Experience has proved, that no penalty is sufficiently alarming, no bond powerful enough to prevent the infraction of law by the unprincipled and the avaricious.

If, therefore, an Embargo be ever constitutional, and this we shall take for granted, it is a necessary consequence that it is permitted in such a form and under such modifications, as to ensure its enforcement. The constitution expressly gives to Congress power to make all laws necessary to carry into effect the powers that are particularly entrusted. To enforce an Embargo law with any degree of effect, experience has shewn that commerce must be totally prohibited, the necessity therefore exists, that gives to Congress the power of regulating the commerce between parts of the same State.

We have hitherto taken it for granted that the right of laying an Embargo results from the authority given to Congress to regulate commerce, and on this supposi-

tion we have found the late act to be perfectly defensible. We are of opinion however, that it is quite unnecessary to seek in this specific provision the authority desired. The more natural construction of this clause would refer to such laws, as might be found necessary to prescribe the manner in which the several branches of trade should be carried on ; and the provision that empowers Congress to provide for the common defence of the United States, is a sufficient authority for any measure, undertaken for that object and usually adopted by other nations and governments. It would have been an endless task to enumerate every specific measure of offence or defence that the Government might resort to. In that case our Constitution would have been encumbered with blockades, sieges, fortifications, frigates, gunboats, and torpedoes, and fifty still harder names, till common men could not have read it without a military dictionary. Happily the unmanly jealousy, that would dictate such miserable restrictions, was not then the order of the day. Congress was authorised to make war, raise navies and armies, and provide for the common defence, and we do most seriously submit it to the judgment of every candid man, whether under this authority they are not permitted to resort to all such measures of offence or defence as may be usual or necessary. Now every nation finds itself at times under the necessity of resorting to an Embargo. This becomes on particular occasions a natural and even necessary measure. It requires then no stretch of liberality to find an authority for it in the provisions above mentioned. It only requires us not to violate the common rules of construction.

The power to suspend commerce thus derived extends as well to the coasting trade between ports of the same State as to any other traffic. If the suspension of commerce be necessary for the common defence, we see no reason why one branch of it should pretend to claim exemption any more than another, or why the trivial interest of the internal coasting trade of single States, should be more favored than the general and important objects of foreign and domestic commerce. This would be indeed to strain at a gnat and swallow a camel.

We are far from saying that if circumstances of particular distress arise from the prohibition of any branch of trade, it would be inconsistent with the wisdom of a prudent government to admit some relaxation of the injurious clause. Such relaxations, we believe, have been granted in cases of individual distress occasioned by the prohibition of foreign trade, and we think that the distress which our brethren in Maine will suffer from an entire suspension of the internal coasting trade, might be well worth the liberal attention of the National Rulers. But we cannot but admire the singularly ungracious means taken by our State Legislature to conciliate the government, from whom they have to request a favor.

In what has been urged above, we can hardly be said to have recommended a *liberal* construction of the Constitution: we have only required that a fair and natural construction should be adopted—that an Embargo should be ranked in the class of defensive and offensive measures, where the usage of nations has placed it. If we had gone much further and justified a much less literal adherence to the constitution, we

should not have wanted, if not a powerful argument in itself, at least a very strong one *ad hominem*. It is indeed astonishing to see the principles of construction now supported by Federalists, and to recollect those that were advocated twenty years ago by Alexander Hamilton, the author and finisher of their faith, and which are recorded in his tract on the constitutionality of the bank : principles of construction, which, whoever may at times have opposed or supported them, are essential to the very existence of the Government. He not only abandons the idea that a literal adherence to the Constitution is required, but contends that the clause which confers on Congress all power necessary to carry into effect those specifically bestowed, is to be liberally construed, and that the word *necessary* is to be fairly understood to mean *needful, requisite, incidental, or useful* :—To exemplify his meaning he says, “It will not be doubted, that if the United States should make a conquest of any of the territories of its neighbors, they would possess sovereign jurisdiction over the conquered territory : This would rather be a result of the whole mass of the powers of Government and a conclusion from the nature of political society, than a consequence of either of the powers specially enumerated.”* Another example of his opinion is the

* Much has been said respecting the unconstitutionality of erecting Louisiana into a state. It was in the debate on this subject, that Mr. Quincy first openly avowed that his political friends would dissolve the union, “*peaceably if they could, forcibly if they must.*” We see from the passage quoted in the text, that General Hamilton supposed the United States to possess the right of acquiring territory, and exercising jurisdiction over it, without the limits of the original confederation ; and we are told by the constitution that “congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property belonging to the United States.” And one of the dispositions that con-

power to erect corporations, which he was immediately supporting; and as a third example, it is worthy of remark, that the very measure, which his disciples are now branding as unconstitutional, received in this very tract, the direct sanction of his high authority:—For he says, “Congress in pursuance of the power of regulating trade, may prohibit the exportation of commodities; though in doing this they would alter the common law of each State in abridgement of individual right.”* Though we think this power to lay an Embargo more naturally deduced from the authority to provide for the common defence, yet the decision of Hamilton is not the less opposed to those who deny in toto the constitutionality of such a measure.

gress are authorised to make of territory is, to erect it into new states to be admitted into the union.

The authority of Hamilton's opinion on this subject is strengthened by the practice of Washington. We are told by Judge Marshall, Vol 5, p. 278 that “Mr Carmichael, Charge d’Affaires of the United States, was instructed to press with great earnestness the claims of the United States to a free navigation of the Mississippi, and to use his utmost endeavors to secure the unmolested use of that river in future, by obtaining a cession of the island of New-Orleans and of the Floridas.” *Ce n’est que le premier pas qui coute* If the constitution will allow the acquisition of a small territory without the limits, it must equally of a large one. Or do they think these acquisitions are to be holden as subject provinces, and if so will they point out to us the authority for so holding them in the Constitution?

If Major Stoddard is to be credited, President Adams entertained the same opinion of the constitutionality of acquiring territory without the limits, and intended to take forcible possession of New-Orleans as an indemnity for injuries received from Spain. (*Stoddard’s Sketches of Louisiana*, p. 101) Mr. Jefferson certainly agreed with them in opinion or he would not have acquired Louisiana. So that we have the authority of Washington, Hamilton, Adams and Jefferson in support of this opinion. The unanimity in favor of this construction of men that differed at so many points, is no small argument for its correctness.

It was said of some apostate in England, that *when he lost his honesty, he lost his wits*. Our separation Federalists, when they abandoned their principles, seem to have parted if not with their wits, at least with their memory.

* See Hamilton's Works, VI. l. p. 125.

The operation of the passions is always similar in the same circumstances. It is impossible to read the history of the United States without being struck with the perfect similitude between the spirit now influencing the Legislature of Massachusetts, and that which operated in 1794 in the State of Kentucky. At that time Spain had obstructed the navigation of the Mississippi. The distress created by this measure was confined exclusively to the western country, of which Kentucky was then the principal part. As the negotiations on that subject were considerably protracted, this respectable and flourishing State became impatient, and sent a remonstrance to Congress, in which, to use the words of a judicious historian, they spoke "the language of an offended sovereign people, injured by the mal-administration of public servants. They demanded the use of the Mississippi as a natural right which had been unjustly withheld; and charged the government openly with being under the influence of a *local policy*, which had prevented its making one single real effort for the security of a good, which was essential to the prosperity of the western people;" and "they insinuated that the continuance of their connexion with the Atlantic States depended on obtaining the object they sought."—It would be amusing and instructive to follow up the workings of similar passions in the revolution, and other proceedings that have been adopted in the two Legislatures; but for this we refer to the historian—Yet we cannot but quote with the alteration of a single word, the very judicious remark of that respectable writer. "When the mind inflamed by supposititious dangers gives a full loose to the imagination, and fastens upon some object, with

which to disturb itself, the belief that the danger exists seems to become a matter of faith with which reason combats in vain. Under a government emanating entirely from the people, and with an administration whose sole object was their happiness, the public mind throughout the country was violently agitated with apprehensions of a powerful and secret combination against *commerce*—That those who were charged with these designs were as destitute of the means as of the will to effect them, did not shake in the least the firm belief of their existence.” Marshall, 5. Vol. 590.

Though we are far from censuring the Legislature of Massachusetts for selecting the state of Kentucky as a model for imitation; we think the history of these *white savages*, these *stragglers of the forest** as they have been ingeniously styled, would have offered them better samples of conduct than the one they have chosen. We should rather have seen our representatives copying the ardent patriotism and enthusiastic valor they have shown in the present war, than going back to the mistaken and seditious proceedings of 1794—We should rather have seen our Governor, if he must look to Kentucky for a model, form his conduct after Shelby, than after Blount.

* *This slander may do for the ignorant back-woods men of Kentucky, more ferocious than their savage neighbors, &c.* Madison's War, p. 26.

On the same page the author accuses Mr. Madison of declaring that the British Cabinet “have moulded and managed their orders as might best suit the political views of Great Britain, her commercial jealousies, or the avidity of British cruisers:” and then he goes on to observe that, *this is illiberal*. Why, my dear sir, if this be called *illiberal*, the dictionary of Billingsgate, that Scaliger picked out of forty languages, would not furnish a sufficient epithet for your abuse of the inhabitants of Kentucky, and it stands on the very same page! But so it is with controversial writers.

Caedimus, inque vicem praebemus crura sagittis.

The men of Kentucky at that period, might have alleged in palliation of their conduct, that the country was in profound peace ; that no object more pressing distracted the councils of Government, and that they had a right to claim immediate attention and prompt redress. But our surprise at the conduct of the Massachusetts Legislature of the present day is increased, when we recollect they have no such excuse for their proceedings ; that they devote the time when the nation is labouring under a war with the mightiest power on earth in defence of what the government at least call our rights ; that they choose this period to bring forward their complaints of pretended grievances ; to restrict the construction of the constitution to the bare letter, in opposition to their own avowed principles and the plainest common sense ; to infuse dissension into our councils, and disunion among our people ; denying their military force to the requisition of government, and yet with perverse effrontery, demanding their full quota of the very arms they refused to employ. Such men may call themselves what they please ; they are not the *friends of peace*. Men that take advantage of public pressure and individual distress to harass their government, are not seeking for redress, but are compassing their private objects.

And who are the men that we see resorting to such means and pursuing such objects ? Alas for the inconsistency of human nature. They are the very men whom we have seen raising the loudest cry against democracy, disorganization, rebellion and jacobinism ; the very men who have recommended in the most positive terms, when they were themselves in power, submission to the constituted authorities. But *tempo-*

ra mutantur. Federalists denominate the Union a rope of sand ; the self-styled disciples of Washington oppose the Constitution ; the enemies of Jacobin Clubs have grown up into Benevolent Societies, and the successors of the Great and General Court are apologizing for Impressment. Can such things be without our special wonder ?

No. 4.

“ The friends of peace are accused of being under British influence, but their accusers ought to reflect, whether partialities of an opposite kind have not produced the evils we suffer, and whether if our conduct towards both belligerents had been impartial, a war with either would have been thought necessary. We had assumed the character of a neutral nation ; but had we not violated the duties imposed by that character ? Had not every subject of complaint against one belligerent been amply displayed, and those against the other concealed or palliated ? And had we not, in the former case, been remarkably sagacious in discovering insults, and equally solicitous in the latter to keep them out of sight ? It has indeed been suggested, that we have no connexion with France in regard to the war ; but when England and France were engaged in a most arduous struggle, and we interfered and assaulted one of them, will any man doubt our intention to assist the other ? Some connexion seems also to be implied in the proposal which was made by the French Emperor, that the Congress at Prague should be composed of plenipotentiaries from France, the United States, Denmark, and the other allied Princes on the one hand, and the plenipotentiaries of England, Russia, Prussia, and their allies on the other ? ”

THE charges that we have hitherto examined, have been clear and decisive ; we have had opportunities to meet the enemy on the open ground of law and fact, and though we may not have succeeded in the

conflict, we have had the satisfaction of contending in the face of day. But we now come to an accusation of a different kind, that of French influence; an accusation dark, doubtful and mysterious; addressed to the feelings rather than the reason: an accusation that does not admit of evidence, but resting on the vague authority of suspicion and prejudice, gives ample room for the imagination to operate, and create a thousand visionary objects of terror, that have neither relation nor resemblance to truth.

It is a great achievement in politics, to succeed in fixing an imputation of this kind on the conduct of an adversary. It is marvellous, and suited to the popular taste; it is obscure, and is not easily disproved, for a prejudiced mind converts the most innocent circumstances into occasions of suspicion. Such suspicion, like jealousy, makes the meat it feeds on. This, therefore, has been always regarded by the opposers of government, and with reason, as their strong ground. They are obliged to admit, and generally do with some reluctance, that Great-Britain has injured us; that we have even cause of war. The Orders in Council, since their repeal, have found but few defenders; and still fewer, we believe, are found to justify the seizure of our seamen. We have even the charity to believe, that were the federal party now in power, and the bugbear of French influence thus completely exorcised, they would themselves be so far from surrendering our American rights, that they would fight it out to the last, on the very principles for which the government are now contending. But after admitting the wrongs of Britain, they affirm that these are not the real causes of the war. We are

assured that it is all juggle, trick, mystery, imposture; that more is meant than meets the ear. We are told of an arch-magician behind a curtain; of an unseen, but fatal chain that binds us, we know not how or why, to the car of Bonaparte. They would persuade us, that we are entangled in toils which we cannot perceive, and surrounded by invisible enemies that we can neither meet nor avoid.

We have never been very great admirers of mysteries of any kind, and one would think that the present age was not precisely the period to bring such accusations before the public. But after all, when a charge of this kind is made with that air of certainty and assurance, which cunning or determined prejudice know how to assume, it gains a certain credit by its very mysteriousness. It partakes of the nature of the imputations of witchcraft and sorcery, that prevailed in other times, when the evidence required seemed to be in the inverse ratio of the cruelty of the punishment. To discern the folly and falsehood of the charge of French influence, like that of sorcery, it is only necessary to lay aside for a moment the illusions of prejudice, and look with a steady eye at the evidence that supports the charge. It will be found absolutely a tissue of forced constructions and groundless suspicions, deduced from facts and circumstances in themselves of the most natural and accidental kind.

We conceive of no way in which one government can exercise an influence over another, but through the medium of hope or fear. The love of independence is a natural passion, and is never overcome, except by the expectation of some paramount good, or the dread of some unavoidable evil. Let us look

then, for a moment, at the connexion between France and America, under the direction of this principle. What have the free and independent people of America, by their Governors, to hope from the favour and affection of France? We are not aware, that there is any one benefit to be derived from the friendship of that power, that would induce them, we do not say to bow to France in slavish submission, but even to surrender the slightest or most trifling prerogative. The first motive, therefore, that reduces men and nations to depend upon each other, has here no operation. Hope would never induce us to stoop to France, for from France we have nothing to gain.

Another and a much more prevailing motive to produce the effect suspected, is fear. A nation so situated with regard to a stronger one, that it has much to apprehend from the superior force of its neighbours, is reduced, of necessity, to a virtual dependence. It is compelled to regard in its measures, not only its own advantage, but the will and pleasure of its powerful rival. This motive, however, can have in this case still less operation, if possible, than the others. What has America to apprehend from France? When the prospects of the continent of Europe were at the darkest, and there was some reason to believe that Bonaparte might succeed in the subjugation of that part of the world, we were still safe, not only by the intervention of the power of Britain, but by the rampart of waters that Providence has placed between us and Europe. It was even then but a possibility in the third remove, that we should be called to defend our liberties against France. Till the continent was subdued, till Britain had yielded, we could not

by possibility be compelled to repel the injuries of France, supposing, what is but too generally the case with all nations, that with the power she had the wish to do us injury. But were that possibility, distant as it was, and quite removed as it now is, reduced to a certainty, and an army of invading Frenchmen already preparing to assail our shores, the voice of American patriotism would exclaim at once, that we had still nothing to fear. We do not deserve the liberty and blessings we enjoy, if we are not able to defend them against the attack of any invader, however powerful or dangerous. From France, therefore, we repeat, we have nothing to fear. It is impossible, in the nature of things, that any motive should attach America to that power, any farther than sound American policy and the best interests of the country dictate.

It has, however, been the fate of America and of France, that they have had occasions of quarrel, at the same time with the same power, which, in the nature of things, must produce between two nations relations of amity. Opposed to a common enemy, it becomes immediately the interest of both to cultivate a mutual understanding. This connexion, having for its basis mutual advantage, is of course defined and bounded by that which produces it. If either of the powers should so far forget its true interest and policy as to avail itself of this connexion to injure the other, the connexion that was advantageous, becomes destructive and ceases. It is a singular fact, that this result has taken place between France and America; both enemies of England, though on grounds entirely distinct, it was of course their mutual interest to be on the best terms with each other. But France, so far

from cultivating a good understanding with this country, has availed herself of the opportunity afforded by the commercial intercourse of the two nations, to inflict upon us gross and flagrant injuries, without much pretence or apology. Of this character are the confiscations of our merchandize in French ports, on various groundless prettexts, and especially under the **Rambouillet Decree** ; the outrageous burning of our vessels on the ocean ; the **Decrees of Berlin and Milan**, so far as notwithstanding the assurance of the French government they have really been applied to us ; their evasive and deceitful conduct respecting the repeal of those Decrees ; and in addition to all this, the injury not less galling, though perhaps of smaller importance, inflicted by the assuming and arrogant language of the Emperor and his ministers.

It is impossible to say with certainty, what can have given occasion to this conduct in the French government so contrary, not merely to justice, (which perhaps has but little weight in political concerns,) but to the common policy of nations ; but it is probably owing to one or both of the two following reasons. Napoleon either thought that the form of our Government being little suited for offensive measures, might make us of no great weight as an active ally, and supposed that he should derive more advantage from us by confiscating under certain pretences, the large amount of our property within his grasp ; or he suspected, that notwithstanding the injuries we had received from England, that we were in reality disposed to arrange ourselves on her side in the European contest. This suspicion has always prevailed among the rulers of France ; and it must be allowed.

that however it may be, and we have no doubt is entirely groundless, a jealous mind might find some foundation for it in the similarity of our laws and manners to those of England; in the extent of our commercial intercourse with that country, and in the attachment to it which a large, wealthy, and we may add, very respectable portion of our fellow-citizens have always avowed and even gloried in; an attachment certainly not unnatural as to the country of our ancestors, and which nothing but great and continued injuries from that country could have prevented being universal. One of the best proofs of the extent of this jealousy and suspicion in the minds of leading Frenchmen, is to be found in the Memoir of Talleyrand upon American politics, read to the National Institute soon after his return from this country.

But whether indifference, contempt, or jealousy operated in the mind of Bonaparte to produce the hostile disposition towards this country, that he has displayed: although since the year 1805, we had become by the injuries of England common opponents of the same power with him, it is still true that he has shown that disposition, and our Government were as truly bound, though pressed before by one powerful enemy, to resent it with proper spirit. That they have done so, the slightest examination of our foreign relations since the period just mentioned sufficiently shows. In the year 1805, England in a wanton and most unjustifiable manner, infringed the very rule of colonial trade she had herself established, and swept from the ocean multitudes of ships, that were sailing substantially under the faith of her protection. The indignation that this outrage excited among the mer-

chants and men of all parties, is not yet forgotten. This of course became a subject of negotiation, as well as the grievance of impressment, even then of very long standing. At the end of the next year, France issued her Berlin Decree, and assured the American Minister that it was not intended to operate on American vessels on the high seas. This assurance might or might not have been sincere ; but we had a much stronger assurance that this Decree would not be executed on the high seas in the utter inability of France to execute it ; in her total want of power upon the ocean. Submission to a law or decree is to comply with its requisitions. Had we complied with the requisitions of the Berlin Decree, we should have prohibited all trade with England. Was that the fact ? So far from it, the trade between England and the United States was never so extensive as during the very year when the Decree of Berlin was in full operation ; yet the English Government thought proper to call this *submission*, and to found upon this supposed *submission* their *retaliatory* Orders of November 1807.

That France could never enforce against us the Decree of Berlin, had such been her intention, was clear from the first. The Government, however, as became the rulers of a free nation, remonstrated with spirit against it, as an insolent menace, or as having been applied to our vessels in French ports ; and when the embargo was laid, they applied it equally to France and England. It has been urged, that as the operation of the embargo was more direct upon England than France, it was in that a partial measure : but on the contrary, it was in this most truly

impartial ; because it operated upon each precisely in proportion to the extent in which they had respectively had the power to enforce their Decrees. It was, therefore, whether politic or impolitic, just or unjust, the most notoriously *impartial* measure that could by possibility be adopted or even imagined.

The next year, the offer was made in the same *language* to the two powers, that if either would repeal its Decrees, we would make war with the other. If this was not impartial, it is difficult to say what would have been. After the interval of a year, France repealed her Decrees ; for to declare publicly by her Prime Minister that they were repealed, pledged the faith of the nation to that fact ; and if the faith of the nation is not to be trusted, what confidence could have been put in a formal decree, of the execution of which we have no stronger pledge than that faith which we refuse to confide in. This repeal England was bound to notice by a corresponding one, and had France afterwards proved insincere or equivocal, it would only have placed England on better ground than if she were honest. We have already treated on the subject of this repeal, in the first number of these remarks.

England refused to comply with her engagement ; but as France proved insincere, equivocal and false on the subject of her repeal, we were clearly not bound by our engagement to her to make war with England. The obligation imposed by this alternative was entirely at an end. But the time at length arrived, when the pressure of the Orders in Council, and the determination to continue them, declared by Mr. Foster's correspondence and the Prince Regent's pro-

clamation of April 1812, called imperiously on a free and spirited people to take some decisive measure to cause our rights to be respected, and war was declared. Why was England *selected* as our enemy, is sometimes sagaciously inquired? We answer, because the injuries of England were immediate, operative and real; those of France consisted in empty menace or contemptuous language. Why was the war carried on about impressment after the Orders were repealed, is anxiously demanded by others? Because, we answer, it would have been inconsistent to have laid down our arms after obtaining redress for a part of our injuries, without having the best security for the other part which was really the most galling, most vital, most essential injury. Yet we can no otherwise justify the solicitude our Government have constantly manifested for peace, and the promptness with which they have availed themselves of every honourable opening to negotiate, than by recollecting, that by the repeal of the Orders one great difficulty was removed, and that reasonable hopes may be entertained that a negotiation, once fairly instituted, would end in peace.

We have thus endeavoured to shew by a cursory review of the politics of the last nine years, that our Government have shown no submission or partiality to France in any of their measures. Whether the tone of their correspondence with France has been more conciliating than with England, we leave to the decision of any man of any party who has compared the letters of General Armstrong, Mr. Russell, and Mr. Barlow, with those of Messrs. Pinkney and Russell, in England, or the correspondence at home between our Secretary of State and the Ministers of

France and Great-Britain. One of the strongest instances of the distorted view under which prejudice presents every object on which it operates, is the use that some have attempted to make of the letter of General Turreau, lately published, as a proof of French partiality; a letter bearing on the face of it suspicion, arrogance, unjust accusation, every thing but cordiality and friendship.

Since, then, no possible motive can be discovered or even imagined, for a corrupt partiality for France: since, nothing in the public measures of the nation gives the slightest countenance to the opinion, we are bound from these circumstances only to reject it without hesitation: but still more when we find the communications between the Governments breathing only distrust, discontent and mutual recrimination, it is difficult to imagine how the suspicion can for a moment be entertained. We have no desire to retort on the believers in French influence, a vague and groundless charge, but we submit it to their candor, whether that partiality for England which they make their pride and boast, may not lead them to take a prejudiced view of circumstances entirely indifferent—"Excessive partiality for one foreign nation," says the Legacy of our political father, "and excessive dislike for another, cause those whom they actuate, to see danger only on one side, and serve to veil, and even second the arts of influence on the other."

We have now done with the subject of French influence, yet we cannot but add a few words respecting the opinion expressed by the Governor in the paragraph succeeding the one quoted at the beginning of this number, that a change has taken place in political

morality since the French revolution. "Previously to that period," says he, "there was seldom an instance in the history of civilized nations, in which a Prince or Government engaged in a war without alleging reasons to justify the measure; and though, in some cases, the motives to the war were unjust, the reasons assigned were specious, and in pretence at least were founded in necessity. But the French Emperor has thought fit to dispense with those forms, and to wage war without even a pretence of injury."

We cannot help observing in relation to this opinion, that in every quarrel, there must be at least two parties, and that both of them cannot possibly be right; so that if the aggressors before the French Revolution were always on the side of justice, the party attacked must have been guilty of some proportional injury, and we really do not see, that this singular fact, if strictly correct, would have much lessened the sum total of political injustice. We must be permitted, however, to question the correctness of the fact. We cannot know, of course, to what length of time the Governor meant to extend his remark. If, however, we go back as far as the Crusades, we have yet to learn what *pretence of necessity* there was, that the inhabitants of two continents should slaughter each other on the plains of Asia Minor, because that was the birth place of the Prince of Peace; or that Germany should be deluged in blood for two or three centuries, to settle the question whether the Pope or the Emperor should present the Bishops with a staff and a ring. Was it a very specious reason for waging war in Europe with short intervals from 1518 to 1648, that an Augustine monk had preached against the sale of indulgences,

or is the thirty years' war that occupied a part of that period more especially defensible, from its having been occasioned by the right claimed by the Bohemian States General, as a part of their common law, to throw the deputies of the Emperor of Austria out of the window. Without pretending to doubt the Governor's authority, we cannot but think it rather a specious than a solid reason why five hundred Spanish soldiers should put to death twice as many millions of peaceable Americans, that they were entitled to do so by the right of discovery—Perhaps, however, the Governor might mean to confine his remark to the period, since the balance of Europe was settled by the treaties of 1648; in which case we should be obliged to admit, that Louis XIV. was justified in carrying blood and slaughter into Holland, because he was displeased with the device of a burgomaster's seal; that Charles XII. of Sweden had very specious reasons at least for killing every thing he could meet between Stockholm and Constantinople, because Alexander the Great had done as much before him; that it was at least expedient, not to say necessary, that all the Sovereigns of Europe should settle at the point of the bayonet, the real meaning of the last will and testament of a Spanish king, who was every thing but an idiot; that Frederick the Great had a good right to Silesia, because the cession of it had not been confirmed by his ancestors quite so often as Magna Charta has been by the kings of England; and that France and England were perfectly judicious in defining by a seven years' war, the *ancient limits* of a barren peninsula in North-America. We must admit, that the partition of Poland was extremely convenient, if not absolutely necessary to the partitioning powers, and

that Russia is greatly to be praised for carrying on a constant war against the Turks during the last century, inasmuch as Constantinople would be a far pleasanter port than St. Petersburg. Still, however, after admitting all this, aye, more, we should entertain a lurking suspicion, that the passions of men are somewhat similar in all ages, and that kings and subjects are nearly the same sort of animals before the French revolution as they have been since.



No. 5.

THE Governor ranks himself among the "Friends of Peace." It was therefore to be expected, that the prospects which have lately opened upon us of a speedy conclusion of the war, would have transported him beyond the limits of his usual equanimity. Peace is in itself so lovely and attractive, that those who think themselves contending in the justest cause, if they possess the feelings of men, look forward to the attainment of it with wishful anticipation. Those who, like the Governor, profess to doubt the justice and expediency of the contest we are now engaged in, must feel a still greater anxiety, a still more ardent wish for that desirable event. We are prone to believe, what we anxiously desire. It was therefore to be expected, that the Governor would have entertained with a ready and eager confidence, the pacific circumstances that have lately come to light. It should seem, that when he arrived at the proper period in his Speech, he would have detailed with complacency the generous offer of the Emperor Alexander to inter

ere with his mediation. His partiality for England might have induced him to say but little of the part she has acted in this affair ; but one would think he would have delighted to mention the prompt acceptance of it by our Government ; their unsuspecting confidence in the fairness of Britain, testified by the immediate mission of our Envoys. Nay, more ; a generous enemy, when he has done injustice to his adversary, is pleased with an opportunity of repairing it. He would have said, "Gentlemen, for once our suspicions have wronged the government. We thought the Russian mediation an artifice originating at Washington ; we must now admit, that for once the Government were right, and that England and we were wrong."

Such being the sort of feeling we might naturally have expected from the Governor on the subject of peace, we find with some surprise that his ardor and enthusiasm evaporate in the following very cordial and satisfactory period.

As we are unable to ascertain the motives by which the Government is actuated in prosecuting the war, we can form no opinion concerning its probable duration.

Really, Sir, this is somewhat singular. The merchants, whose cause you so warmly espouse, and whose character and judgment you, of course, are not disposed to undervalue, have not only formed an opinion, but reduced it to practice, though with great temporary losses, and yet you cannot even conjecture the probable duration of the war.

Our Commissioners are on their way to the place of negotiation. Men of such respectable character, that unless you were to nominate them yourself, you could not imagine any more to your mind ; federal men, who have expressed themselves fully satisfied

with their instructions. Many difficulties in the way of peace have been removed by the repeal of the Orders in Council, and the passing of our act concerning foreign seamen. Add to all this, that the appearances of a general pacification increase the probability still farther; and this is the state of things in which you cannot even make a conjecture about the probable duration of the war; this is a state of things so little engaging to the mind of a Friend of Peace, that he does not even think it worth mentioning.

With every disposition to form a charitable judgment of His Excellency's conduct, we can see in this silence no symptoms of a wish for peace. We are obliged to look beyond that ostensible motive. We inquire naturally, though unwillingly, is there not some secret plan, best promoted by professing a desire of peace, but very much assisted by the discontent and distress that naturally arise from war? For a sincere lover of peace could not fail to rejoice in the appearances of it that now present themselves, and a candid man, after finding his suspicions so unjust as to the **Russian Mediation**, would have been cautious of indulging them again on the same subject.

The manner in which the Government of this State have conducted in the carrying on of this war, is another proof that they have no real wish for its conclusion. No political maxim is more trite, than that foreign hostilities should be the signal for internal parties to cease their contentions, and unite in opposing the common foe. Such was the noble conduct of the ancient Romans. Such, to quote an example much more seducing to our adversaries, is the noble conduct of modern Britons. The very war in which we are engaged, is a striking example. All the liberal, pa-

triotic, and enlightened part of the people in Great Britain, opposed, at every stage of their progress, the iniquitous and foolish measures, that drove the United States to war; and were they now in power, would be ready to make peace with us on our own terms; but these enlightened patriots have no notion of proving their love for their country by doing all in their power to weaken their councils and disgrace her arms. These very men are continually urging the ministry to conduct the war in America with greater vigor. We respect them for their manly patriotism.

Such conduct is rational as well as patriotic, because it leads most directly to peace. Whatever be the merits of the case between the parties, the desire of peace in either must be increased by finding that its adversary assumes a firm and manly stand, and that party discussion has yielded to love of country. When nothing is to be hoped from force, they then begin to think of concession. Do you think Great-Britain will respect your claims the more, because your armies have been disgracefully defeated on the western frontier? Or do you presume that the opposition to the war will secure immortal renown, while dishonor and obloquy are gathering round the standards of the Union?

Not so.—Since the opposition are rational men, the natural conclusion is, that they are not ignorant of the consequences of the measures they adopt. They know that they protract the war by enfeebling, dividing and embarrassing the nation. They wish to protract the war, that they may make use of the distress and difficulty it occasions, to promote their private objects, by creating excitement among the people.

They tell us of the pressure of the embargo, and are using every endeavor to stimulate New England to rise

in arms to resist it. Is this the way that sage and enlightened patriots would conduct? Such men, if a measure that the government had thought for the general good pressed hard on a particular section of the country, would respectfully represent their distress and solicit the equity of the nation for relief. But these patriots have a different plan of conduct. They make captious objections to the constitutionality of the measure, as if the power of laying an embargo was not vested in every sovereignty. The reason is obvious. If a measure be unconstitutional, we are justified in resisting it; if it be only distressing, we can only solicit relief. Since, then, they must know, for they have common sense, that the embargo is constitutional, nay more, authorised by their own favorite construction of the Constitution, and yet take measures the least likely that can be to obtain relief from it in a constitutional way; we conclude of necessity, that they do not wish the embargo to be relaxed.

No; the War and the Embargo are the two best things that could happen to them. For whether just or unjust, such measures always create distress, and private distress is the great engine in the hands of opposition to make the government unpopular.

What, then, is the motive of the opposition, that now agitates the Legislature of Massachusetts? We must look for it in the settled, long-meditated intention of the leading federalists, *so called*, of this State, to separate the Union, and establish in New-England an independent sovereignty. Ever since they found it impossible to govern the United States, their daily and nightly labours have been devoted to this favorite object. This has been the subject of secret meetings and secret correspondences. For this they seize every

moment of distress and anxiety to stimulate the people and harass the government. For this we see the newspapers stained with disgusting misrepresentations of our southern brethren; for this our kindred of the west are styled *white savages* and *stragglers of the forest*; for this the hateful cry of French influence is noised about the country, and for this we are told of an anti-commercial conspiracy, more chimerical than any dream that ever passed through the brains of Barruel or Robinson.

We mean not to ascribe such views to the federalists at large. On the contrary, we have seen, that whenever they have been distinctly developed, they have been treated with marked disapprobation by the most respectable of that party. HAMILTON, it is known, was opposed to the project;* and the country yet re-

* The following letter was written by General Hamilton to a distinguished gentleman of this state the night before his death. The sentiments expressed in it must be considered therefore as his solemn and deliberate opinion, and as such, cannot but have much weight, with those who respect his character.

New-York, 10th July, 1804.

The Honorable _____

My dear Sir, I have received two letters from you since we saw each other; that of the latest date being the 24th May. I have had on hand some time, a long letter to you, explaining my view of the course and tendency of our politics, and my intentions as to my own future conduct. But my plan embraced so large a range that owing to much avocation, some indifferent health, and a growing distaste for politics, the letter is still considerably short of being finished. I write this now to satisfy you, that want of regard to you has not been the cause of my silence.

I will here express but one sentiment, which is that DISMEMBERMENT OF OUR EMPIRE WILL BE A CLEAR SACRIFICE OF GREAT POSITIVE ADVANTAGES, WITHOUT ANY COUNTERBALANCING GOOD; administering no relief to our real disease which is *Democracy*; the poison of which by a subdivision will only be the more concentrated in each part, and consequently the more virulent.

King is on his way for Boston, where you may chance to see him and hear from himself his sentiments. God bless you.

ALEXANDER HAMILTON.

collects with gratitude, the period when DEXTER frowned rebellion into silence by his commanding eloquence.* Indeed, from the nature of the thing, such a project could never be held by the federalists throughout the country ; and in New-England, cannot be entertained by such as identify themselves with the party at large. The whole merit of it belongs to a faction of the federal party, powerful neither in numbers nor talents ; perhaps not more extensive than the exclusive six hundred of Mr. Ames ; but who contrive by intrigue and art, by virtue of former services, and by keeping the people in ignorance of their real views, to wield at will the Legislature of Massachusetts. While the views of federalists are directed to the acquisition of office by constitutional means, the views of this faction are directed to the separation of the States. The distinction between the Federalists and the Junto is perfectly well known in town and country. It is mentioned in conversation as a familiar thing, and yet this insignificant corps, whose power is almost wholly pecuniary,

We may remark that the plague of *democracy* of which the General complains has shifted its position since he wrote. It is now raging with great violence among the separation Federalists.

This letter proves that General Hamilton was deliberately opposed to a separation of the States, and makes it probable that Mr. King was of the same opinion. What is of still more importance, it proves that previously to the year 1804, in a time of profound peace and unexampled prosperity this project was in agitation. For the reader will observe that it is not spoken of as a speculative question, but as a matter that was to influence public conduct. We shall know from this what opinion to form of the sincerity of the present movers of insurrection, who say that they are forced to a separation by the miseries of war and embargo.

* A writer in the Daily Paper has referred us, with an air of triumph, to the Chronicles of the town of Boston. We really never meant to intimate, that the speech of Mr. Dexter decided the vote of the Town-Meeting in which it was delivered ; we only intended to be understood, that a meeting was called to choose delegates to a Convention ; that those

are permitted by the federalists to govern and guide the party.

In ^{proposition} ~~position~~ to the distress of the times, they stimulate the people to take such measures as shall accomplish this favorite object. It is often denied, frequently insinuated, and sometimes openly avowed, as it was by Mr. Blake in the debate in the Senate on the answer to the Governor's Speech. But whether avowed or concealed, it is still the darling object. It leads them to the most absurd and strange inconsistencies with their ancient doctrines of anti-jacobinism and aristocracy; for we find them inculcating in so many words the "sacred duty of insurrection;" contradicting their favorite constructions of the Constitution; exalting the State Governments above the National, and directly and indirectly attacking the Union, formerly their pride and darling.

But the people of New-England, whether republican or federal, have too sound and good a sense to be deluded by such shallow pretences. They cannot understand why the Union and the Independence, so ardently desired and so long enjoyed, are suddenly become odious and to be rejected. They know well enough, when they are oppressed, and when they are happy; and the effect of the efforts made this session

delegates were chosen; that Mr. Dexter opposed the project of a Convention, and that ~~one~~ ^{the} Convention was never holden; and we meant to express an opinion, that his opposition prevented the Convention.

Since these papers were written, this gentleman has been nominated the Republican Candidate for the office of Governor. It is understood, that he still holds the principles of Washington Federalism, and is willing to discountenance, by his authority, the project of separation. He is a man in whom federalists can place implicit confidence; and we really hope, that the honest of that party, the friends of order and the Constitution, will not scruple to unite with the Republicans in support of that Union, emphatically the favourite object of federal men and measures, and the palladium of peace and happiness to us all.

to stimulate them to rebellion, will probably end as similar efforts have done before, in the temporary downfall of the party. They will then sink into insignificance, till some future time of distress shall afford them room to set their destructive energies again at work. At such a time, their nefarious project will again emerge to light, and some other DEXTER will once more frown it into oblivion.

Why will not sincere and honorable federalists, men that love their country, if they must continue a systematic opposition, why will they not withdraw their confidence from these persons, that have so repeatedly abused it, and marshal themselves under leaders, in whose integrity and judgment they can trust? If the State of Massachusetts must be arrayed against the National Government, let it at least be guided by men that know and respect the Constitution and the Union.

We have now finished our remarks on the Governor's Speech. With every favorable disposition, we have found but little to commend, and much to object to. The answers of the two Houses, if we had inclination and ability to examine them, would furnish still more copious matter for criticism. The spirit, however, is the same. They are respectively the root and branches, whose mature fruit would be rebellion and blood. Constituted as the Houses now are, it was to be expected that they would dilate and echo the Governor's sentiments. But we may amuse ourselves a moment with imagining what would have been the answer of a Legislature animated by American feelings, to such a speech as this. We may suppose, that after noticing in a proper manner the incidental business first mentioned, they would have continued somewhat in the following language :

May it please your Excellency,

The Legislature agree with your Excellency in the opinion you have expressed, respecting the right of political investigations; and they hope you will permit them to avail themselves of the liberty it affords, to give free voice to their sentiments, though somewhat at variance with those of your Excellency.

In the remarks, made by your Excellency on the causes of the present war, we cannot help observing a disposition to justify Great Britain at the expense of our National Government; for admitting that the grievance of impressment is as much exaggerated as your Excellency supposes, we cannot but think that the illegal seizure of a much smaller number of men than even those who have been discharged on proof of American citizenship, would be a thing of no small importance to an independent nation. We are not aware of any claim made by our government to exempt British seamen from their allegiance to their own country. We presume your Excellency has some private documents on this head, that may be the subject of a future message.

With every disposition to comply with your Excellency's intimations, we can hardly venture to hope that any measures of ours will render less questionable the Constitutionality of an Act, already unquestionably Constitutional.

The observations of your Excellency on foreign partialities, relate to a matter, which we had hitherto considered, without the sphere of our concerns. At your recommendation, we shall not fail to make it a subject of inquiry, and if we should not succeed in proving the friends of peace to be under British influence, we may possibly attempt to discover whether those under British influence are really friends of peace.

We rejoice that your Excellency's historical investigations have given you so favourable an opinion of the motives and conduct of the Sovereigns of Europe before the French Revolution. That body of men have been greatly aspersed by certain slanderous writers, historical and moral ; but we feel the fullest confidence, that the authority of your Excellency's opinion will quite clear up their characters, and prove that even when at war with each other, they were generally all fighting in pure self-defence.

We condole with your Excellency on the unfortunate uncertainty in which our prospects of peace are involved ; yet we would respectfully suggest, that it might not have been inconsistent with the character of a New-England Governor, to have hazarded a *conjecture* on the probable issue.

Your Excellency has shewn your usual judgment, in making your solemn communication to the Legislature the vehicle of party feelings and opinions. While we acknowledge the perfect propriety of this mode of conduct, we cannot but anticipate with sentiments of satisfaction, the arrival of some future period, when it will no longer be necessary to address the Legislature of a State in the language and on the topics of newspaper scribblers, and when the Speech of the First Magistrate may be confined, without danger, to the dignified statement of the business of the Session.

END.

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